

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

SIERRA CLUB, *et al.*,)
Plaintiffs,) Civ. No. 4:21-cv-06956-SBA
v.)
MICHAEL S. REGAN, in his official) **STIPULATION AND ORDER TO**
capacity as the Administrator of the) **FURTHER ENLARGE TIME AND**
United States Environmental Protection) **CONTINUE CASE MANAGEMENT**
Agency,) **CONFERENCE**
Defendant.)

Plaintiffs Sierra Club, Natural Resources Defense Council, and Environmental Integrity Project and Defendant Michael S. Regan, Administrator of the United States Environmental Protection Agency (“EPA”) (collectively, the “Parties”) stipulate as follows:

1. The Parties have reached a tentative agreement that would resolve all issues remaining in this matter, other than the claim for costs of litigation, including attorneys' fees, and have memorialized that agreement in a proposed Consent Decree.

2. Approval of any settlement on behalf of EPA requires review and approval by the appropriate officials at EPA and the United States Department of Justice. Approval of the settlement on behalf of Plaintiffs requires review and approval by the various decision makers within Sierra Club, Natural Resources Defense Council, and Environmental Integrity Project.

3. Pursuant to section 113(g) of the Clean Air Act, EPA must also publish notice of the settlement in the *Federal Register* and hold open a public comment period to allow persons not named in this case to comment on the proposed Consent Decree. 42 U.S.C. § 7413(g). After the public comment period, the EPA Administrator and the Attorney General will, as appropriate, promptly consider any written comments received. *Id.* If the federal government elects not to

1 withdraw or withhold consent to the proposed Consent Decree, the Parties will promptly file a
2 motion requesting that the Court enter the Consent Decree.

3 4. The Parties agree that an additional 60 days is adequate time to complete this review
4 and the 113(g) notice and comment process.

5 5. There have been three other time modifications for this case. Dkt. Nos. 20, 24, 28.

6 6. Defendant has filed an answer in this case. Dkt. No. 27.

7 5. Currently, April 25, 2022 is the Parties' last day to meet and confer regarding initial
8 disclosures, early settlement, ADR process selection, and a discovery plan. Dkt. No. 28. A 60-
9 day extension would change this deadline to June 24, 2022.

10 7. The Case Management Conference for this case is currently scheduled for Thursday,
11 May 26, 2022 at 2:30 P.M. Dkt. No. 29. The Parties request that the Court reschedule this
12 Conference for Thursday, July 28, 2022, or at such later time as is convenient for the Court.

13 8. This Court set May 19, 2022—seven days before the previously scheduled Case
14 Management Conference—as the Parties' deadline to file a Rule 26(f) Report, complete initial
15 disclosures or state an objection in a Rule 26(f) Report, and file a Case Management Statement.
16 *Id.* The Parties request that the Court reschedule this deadline for July 21, 2022.

17 8. The Parties respectfully request that this Court enter this stipulation and extend all
18 litigation deadlines for 60 days as outlined above and continue the Case Management
19 Conference until Thursday, July 28, 2022, or at such later time as is convenient for the Court.

20 9. Pursuant to Local Civil Rule 5-1(h)(3), the undersigned counsel for Defendant attests
21 that the other signatories listed below concur in the filing of this document.

22 Dated: March 31, 2022

Respectfully submitted,

23 s/ Paul Caintic
24 Paul Caintic (D.C. Bar No. 1779847)
Andrew Coghlan (SBN 313332)
25 United States Department of Justice
Environment & Natural Resources Division
150 M Street, N.E.
Washington, D.C. 20002
26 Tel: (202) 514-2593
27 paul.caintic@usdoj.gov

s/ Emily Davis
Emily Davis (SBN 314152)
Natural Resources Defense Council
111 Sutter Street, 21st Floor
San Francisco, CA 94104
Tel: (415) 875-6100
edavis@nrdc.org

*Counsel for Plaintiff Natural Resources
Defense Council*

1 *Counsel for Defendants*

2 s/ Louisa Eberle

3 Louisa Eberle (SBN 320803)
4 Sierra Club
5 1536 Wynkoop Street, Suite 200
6 Denver, CO 80202
7 Tel: (415) 977-5765
8 louisa.eberle@sierraclub.org

s/ Patton Dycus

Patton Dycus (*pro hac vice*)
Environmental Integrity Project
315 W. Ponce de Leon Avenue, Suite 842
Decatur, GA 30030
Tel: (404) 446-6661
pdycus@environmentalintegrity.org

9 s/ Andrea Issod

10 Andrea Issod (SBN 230920)
11 Sierra Club
12 2101 Webster Street, Suite 1300
13 Oakland, CA 94612
14 Tel: (415) 977-5544
15 andrea.issod@sierraclub.org

*Counsel for Plaintiff Environmental
16 Integrity Project*

17 *Counsel for Plaintiff Sierra Club*

18
19
20
21
22
23
24
25
26
27
28

1 * * *

2 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

3
4 DATED: 4/18/2022

 RS
5 Richard Seeborg for Saundra B. Armstrong
6 United States District Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28